



Legislation Details (With Text)

**File #:** RES PH 15- 60      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 3/4/2015

**Title:** Approving the application of Bennett Restaurant Co. LLC for a sound level variance in order to present live music in an enclosed tent from 5:00 p.m. until 10:30 p.m. on Friday, March 13, 2015 and Saturday, March 14, 2015 at 1305 Seventh Street West.

**Sponsors:** Dave Thune

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. Map, 3. Copy of ENS, 4. Notice to District Council, 5. Notice to Property Owners, 6. List Property Owners, 7. Letter to Applicant

Date	Ver.	Action By	Action	Result
3/10/2015	1	Mayor's Office	Signed	
3/4/2015	1	City Council	Adopted As Amended	Pass

Approving the application of Bennett Restaurant Co. LLC for a sound level variance in order to present live music in an enclosed tent from 5:00 p.m. until 10:30 p.m. on Friday, March 13, 2015 and Saturday, March 14, 2015 at 1305 Seventh Street West.

**Amended 3/4/15**

WHEREAS, Chapter 293 of the Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, Bennett Restaurant Co. LLC, represented by Joseph Bennett, who has been designated as the responsible person on the application, has applied for a variance to present live music in an enclosed tent at 1305 7<sup>th</sup> Street West; and

WHEREAS, applicant has requested a variance for the hours of 5:00 p.m. to 11:00 p.m. on March 13 and 14, 2015; and

WHEREAS, if applicant is not granted a variance it will not be able to present live music at 1305 7<sup>th</sup> Street West; and

WHEREAS, the Department of Safety and Inspections has reviewed the application and has made recommendations regarding conditions for the variance; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Bennett Restaurant Co LLC, subject to the following conditions:

- 1) The variance shall be for the hours of 5:00 p.m. to 10:30 p.m. on Friday, March 13, 2015 and Saturday, March 14, 2015.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 85 dBA as measured inside the tent at the wall opposite of the sound source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:30 p.m. on March 13 and 14, 2015, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 13, 2015 and on March 14, 2015 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Bennett Restaurant Co LLC, represented by Joseph Bennett, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present live music, with limitations, from 5:00 p.m. to 11:00 p.m. on March 13 and 14, 2015. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments